#

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3973 OF 2006

Mohamed Wasim Nasrat Pasha .. Applicant
Versus
State of Maharashtra .. Respondent

Mr.Nitin Sejpal & Ms.Pooja Bhojane for applicant
Mr.R.Y.Mirza, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 21st November 2006

P.C.

. Mr.Sejpal appearing for applicant submits that the applicant is under arrest from 25th October 2005 in connection with C.R.No.233 of 2005 registered with J.J.Marg Police Station. Offence alleged is punishable under section 395, 397 of I.P.C. read with sections 3 and 4 of the Arms Act.

2. Mr.Sejpal submits that co-accused Sameer Khan was enlarged on bail by this Court and in that behalf, he invites my attention to paras 8 and 9 of the present bail application. He has also placed reliance upon the contents of para 10 of the application to emphasise that the case of applicant - co-accused is on par with the co-accused Sameer Khan. These facts are not controverted by the learned A.P.P. Hence, the applicant would be entitled to the same benefit as co-accused Sameer Khan.

4. In my view, investigations being complete charge sheet being filed so also co accused having been enlarged on bail admittedly, this is a fit case where the applicant deserves to be enlarged on bail but in the light of pending cases some stringent conditions need to be imposed. Hence, following order:-

i) The applicant arrested in connection with C.R.No.233 of 2005

registered with J.J.Marg Police Station shall be enlarged in the sum of Rs.15,000/- with one or two local sureties in the like amount. However, the applicant shall reside outside Mumbai and Mumbai suburban and Thane districts. He is however permitted to enter the limits of these districts only for the purpose of attending trial on relevant dates.

ii) The bail is granted subject to condition that the applicant will remain present before the nearest police station from his residence where is propose to live after release on bail once a week on every Friday between 5.00 p.m. and 7.00 p.m. till conclusion of trial.

iii) The order of bail will be given effect only after the applicant furnishes to the investigating officer the details

about his place of residence and address where he proposes to stay after he is enlarged on bail. The applicant will not change his residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicant shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)